

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 U.S.C. 1.53(b)

WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

02/25/2002
PTO
13231S

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 1579-645

Date: February 25, 2002

JC868 U.S. PTO
10/08/02
02/25/02

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers

Newly executed Declaration, Copy of Declaration from prior application, Abstract
32 pages of specification and claims (including 32 numbered claims), and
9 sheets of accompanying drawing/s.

Record the attached assignment and return to the undersigned.
 Attached is a Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
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, respectively, the entire content of which is hereby incorporated by reference in this application..

Certified copy(ies) of foreign application(s) is/are attached.

Certified copy(ies) filed on _____ in prior application no. _____ filed _____

Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--

Please amend the specification by inserting the following paragraph before the first line: --This application is a continuation/ division/ continuation-in-part of Application No. 09/539,774, filed March 31, 2000, which is a continuation of Application No. 09/210,474, filed December 14, 1998, now USP 6,072,034; which is a continuation of Application No. 08/755,559, filed November 22, 1996, now USP 5,912,142, the entire content of which is hereby incorporated by reference in this application.--

Petition filed in prior application to extend its life to insure co-pendency.

The prior application is assigned to DUKE UNIVERSITY.

It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

Applicant claims "small entity" status. "Small entity" statement attached.

Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

Also attached: Information Disclosure Statement; Non-Publication Request; Nucleotide and/or Amino Acid Sequence Submission; Statement deleting Inventor(s) named in prior application; Other:

1. Inventor: Russel KAUFMAN U.S.A.
(first) MI (last) (citizenship)
Residence: (city) Durham (state/country) North Carolina
Mailing Address: 3902 Hope Valley Road, Durham, North Carolina
(Zip Code) 27707

2. Inventor: Kimberly SLENTZ-KESLER U.S.A.
(first) MI (last) (citizenship)
Residence: (city) Durham (state/country) North Carolina
Mailing Address: Duke University, CARL Building, Room 226, Durham, North Carolina
(Zip Code) 27710

See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201.

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By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson